

## **SOUTHLAND DISTRICT COUNCIL**

### **COUNCIL MEETING**

**27 JANUARY 2010**

MINUTES of a MEETING of the SOUTHLAND DISTRICT COUNCIL held at the Council Chambers, 15 Forth Street, Invercargill on WEDNESDAY, 27 JANUARY 2010 at 1.00 PM.

**PRESENT:** Mayor F Cardno, (Chairperson) Crs L A Bailey, R A Dobson, J Douglas, B J Dillon, B W Drummond, P Duffy, B Ford, G Harpur, W Jack, G MacPherson and A D Ridley.

**IN ATTENDANCE:** Messrs D P Adamson, B Halligan, C McIntosh and Mrs J O'Shannessy.

Messrs P Bell, I Evans, K McNaught and P Thompson were also in attendance.

#### 1.0 **APOLOGIES**

Cr J D Copland

Moved Cr Dillon, seconded Cr Macpherson and RESOLVED THAT THE APOLOGY BE ACCEPTED.

#### 2.0 **PUBLIC FORUM**

Moved Cr Douglas, seconded Cr Duffy and RESOLVED THAT STANDING ORDERS BE SUSPENDED TO ALLOW A PUBLIC FORUM TO BE HELD AND THE FOLLOWING MEMBER OF THE PUBLIC TO SPEAK:

**Mr Karl Barkley - Saving the Kingston Flyer Railway**

Mr Barkley spoke to the meeting about the efforts of the Southern "F" Locomotive Charitable Trust to preserve railway heritage in Invercargill and the Southland region. The "Save the Kingston Flyer Fund" has been set up in a Trust Account administered by the "Southern "F" Locomotive Trust." By establishing a charitable trust, funding assistance could be sought from a variety of funders.

Tenders had been called to purchase the train and some of the associated assets with seven responses being received. The Trust Mr Barkley represented had put in a tender price of \$2,000,000 based on the 20 items included in the Asset Register. He had subsequently discovered there were seven more wagons at the wharf but they had not been included in the list of assets.

Mr Barkley referred to various options that could be looked at if the Trust was successful in their bid. One point he made was that the train station would need to be relocated away from its current position down near the wharf to be nearer the State Highway.

The Trust planned to lift the patronage of the Flyer so the Railway would become successful - much as the Taieri Gorge Railway had done.

The meeting then clarified several points with Mr Barkley including:

- \* Provision of a Business Plan.
- \* Linking to other tourist opportunities.
- \* Experience and background of the Trust members.
- \* Proposed action regarding the problem of fires caused the train.

Mayor Cardno thanked Mr Barkley for his attendance and wished him well with saving the Kingston Flyer.

Moved Cr Duffy, seconded Cr Ford  
and RESOLVED THAT STANDING ORDERS BE REINSTATED.

### 3.0 **NOTIFICATION OF URGENT BUSINESS**

Moved Cr Dillon, seconded Cr Jack  
and RESOLVED THAT SUBJECT TO 46A OF THE LOCAL GOVERNMENT  
OFFICIAL INFORMATION AND MEETINGS ACT 1987 THE FOLLOWING ITEM BE  
CONSIDERED AS A MATTER OF CONFIDENTIAL URGENT BUSINESS:

- \* ISSUE OF LEASE OF PART OF COUNCIL LAND, 48 YORK ROAD,  
RIVERSDALE TO BARBARA ANN MCBAIN

It was agreed that the item should be considered in order that any action required  
could be effected prior to the next meeting.

### 4.0 **MISCELLANEOUS ITEMS**

No miscellaneous items were tabled.

### 5.0 **MINUTES**

#### 5.1 **COUNCIL**

##### 5.1.1 **SOUTHLAND DISTRICT COUNCIL MEETING DATED 9 DECEMBER 2009**

Minutes for Confirmation.

Moved Cr Ridley, seconded Cr Jack  
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT COUNCIL  
MEETING DATED 9 DECEMBER 2009 BE CONFIRMED AS A TRUE AND  
CORRECT RECORD.

## 5.2 COMMITTEES OF COUNCIL

### 5.2.1 SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE HEARING MINUTES - GEORGE AND VALERIE JONES - DATED 9 OCTOBER 2009

Minutes for Adoption.

Moved Cr Ridley, seconded Cr Macpherson and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE HEARING MINUTES - GEORGE AND VALERIE JONES - DATED 9 OCTOBER 2009 BE ADOPTED.

### 5.2.2 SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE HEARING MINUTES - WAITUNA CREEK ESPLANADE RESERVE - DATED 9 OCTOBER 2009

Minutes for Adoption.

Moved Cr Ridley, seconded Cr Macpherson and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE HEARING MINUTES - WAITUNA CREEK ESPLANADE RESERVE - DATED 9 OCTOBER 2009 BE ADOPTED.

### 5.2.3 SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE HEARING MINUTES - LIONS PARK, TE ANAU - DATED 23 NOVEMBER 2009

Minutes for Adoption.

Moved Cr Ridley, seconded Cr Macpherson and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE HEARING MINUTES - LIONS PARK, TE ANAU - DATED 23 NOVEMBER 2009 BE ADOPTED.

### 5.2.4 SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE HEARING MINUTES - LANDCORP ESTATES LTD - DATED 24 NOVEMBER 2009

Minutes for Adoption.

Moved Cr Ridley, seconded Cr Macpherson and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE HEARING MINUTES - LANDCORP ESTATES LTD - DATED 24 NOVEMBER 2009 BE ADOPTED.

## 5.3 SUBCOMMITTEES OF COUNCIL

### 5.3.1 MANAPOURI COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING MINUTES DATED 18 NOVEMBER 2009

Minutes to be received.

Moved Cr Ridley, seconded Cr Jack and RESOLVED THAT THE MANAPOURI COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING MINUTES DATED 18 NOVEMBER 2009 BE RECEIVED.

5.3.2 MOSSBURN COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING MINUTES DATED 26 NOVEMBER 2009

Minutes to be received.

Moved Cr Douglas, seconded Cr Duffy and RESOLVED THAT THE MOSSBURN COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING MINUTES DATED 26 NOVEMBER 2009 BE RECEIVED.

5.3.3 OHAI COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING MINUTES DATED 17 NOVEMBER 2009

Minutes to be received.

Moved Cr Drummond, seconded Cr Harpur and RESOLVED THAT THE OHAI COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING MINUTES DATED 17 NOVEMBER 2009 BE RECEIVED.

5.3.4 RIVERTON HARBOUR SUBCOMMITTEE MEETING MINUTES DATED 1 DECEMBER 2009

Minutes to be received.

Moved Cr Dobson, seconded Cr Macpherson and RESOLVED THAT THE RIVERTON HARBOUR SUBCOMMITTEE MEETING MINUTES DATED 1 DECEMBER 2009 BE RECEIVED.

5.3.5 STEWART ISLAND JETTIES MEETING MINUTES DATED 30 NOVEMBER 2009

Minutes to be received.

Moved Cr Ford, seconded Cr Dobson and RESOLVED THAT THE STEWART ISLAND JETTIES MEETING MINUTES DATED 30 NOVEMBER 2009 BE RECEIVED.

5.3.6 TE ANAU BASIN WATER SUPPLY SUBCOMMITTEE MEETING MINUTES DATED 17 NOVEMBER 2009

Minutes to be received.

Moved Cr Ridley, seconded Cr Jack and RESOLVED THAT THE TE ANAU BASIN WATER SUPPLY SUBCOMMITTEE MEETING MINUTES DATED 17 NOVEMBER 2009 BE RECEIVED.

5.4 JOINT COMMITTEES OF COUNCIL

5.4.1 SHARED SERVICES FORUM MEETING MINUTES DATED 29 OCTOBER 2009

Minutes to be received.

Moved Cr Bailey, seconded Cr Dillon and RESOLVED THAT THE SHARED SERVICES FORUM MEETING MINUTES DATED 29 OCTOBER 2009 BE RECEIVED.

## 5.5 ACTION SHEET

### 5.5.1 SOUTHLAND DISTRICT COUNCIL ACTION SHEET For Adoption.

Moved Cr Harpur, seconded Cr Jack  
and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL ACTION SHEET  
BE ADOPTED.

#### Warm Homes Southland Project

Mr Peter Thompson was in attendance to give a further update on the progress of the project.

He monitored the Trust performance very closely, he said. There had been a very well received uptake on Stewart Island.

There could be a delay of six months from the time of contacting the Trust to assessment but this was due to resources, he suggested.

He was not aware of certified installers increasing their price because of the demand for their services, he concluded.

## 6.0 REPORTS

### 6.1 MENACING DOG CLASSIFICATION

300/15/5/5876

R/10/1/449

Report by Mr P Bell dated 20 January 2010.

S A Venekamp had e-mailed Council complaining of his dog "Trip" being classified as a menacing dog by breed as it was an American Pitbull Cross and claimed his dog was a Staffordshire Bull Terrier Cross (Staffy).

It was recommended that the dog known as "Trip" continues to be classified as menacing by breed.

Moved Cr Harpur, seconded Cr Dobson  
and RESOLVED THAT THE REPORT RELATING TO THE EMAIL RECEIVED  
FROM S A VENEKAMP RELATING TO THE MENACING DOG CLASSIFICATION  
OBJECTION BE RECEIVED.

Mr Venekamp had notified Council's Dog Control Officer that he would appear at Council during the Public Forum section of the meeting to appeal the classification. He had not appeared at the meeting so the members discussed the report as it was presented.

Moved Cr Ridley, seconded Cr Harpur  
and RESOLVED THAT PURSUANT TO SECTION 33C OF THE DOG CONTROL  
ACT 1996, THE SIX MONTH OLD BLACK AND WHITE MALE AMERICAN PIT BULL  
TERRIER CROSS KNOWN AS "TRIP" OWNED BY SEBASTIAN ALBERT, BE  
CLASSIFIED AS MENACING.

6.2 REQUEST FOR COUNCIL TO TAKE A FORMAL POSITION ON AERIAL POISON DROPS IN THE SOUTHLAND DISTRICT

240/20/24/3

R/09/12/19712

Report by Mr B Halligan dated 3 December 2009.

The Te Anau Community Board (TACB) had received a request from Mr Paul Peychers that Council adopt the formal position taken by some other Councils around New Zealand supporting the banning of aerial poison drops in the Southland area.

Moved Cr Drummond, seconded Cr Dobson and RESOLVED THAT THE REPORT REQUESTING THAT THE SOUTHLAND DISTRICT COUNCIL TAKE A PUBLIC POSITION SUPPORTING THE BANNING OF AERIAL POISON DROPS WITHIN THE DISTRICT BE RECEIVED.

The Te Anau Community Board had referred the matter to Council for consideration.

The report discussed the request, but did not recommend that the Council take such action.

Mr Adamson spoke to the report and suggested Council not take a stand on the matter as it was not part of their jurisdiction.

In his report, Mr Halligan had listed the following reasons for Council to take no stand on the matter:

(a) *The use of 1080 and other aerial poisons required consent from Environment Southland under the Resource Management Act 1991. This consent process provided a full opportunity for all those parties who had an interest in this matter to express their viewpoints.*

(b) *For the Council to come out and take a public stance in support of or opposition to a particular activity could give rise to difficulties in that deviating from such a stance in the future, should it no longer be appropriate for some reason.*

*1080 was not the only such commodity that may be utilised for pest control within Southland and elsewhere in New Zealand. In the future there may well be other activities of this type proposed. Therefore, a public stance either in support of or opposition to a particular type of pesticide use/application could create future unforeseen difficulties for the Council.*

(c) *Southland District Council represented residents and ratepayers who likewise would have diverse viewpoints on the pros and cons of 1080 use. It was considered it would be inappropriate for the Southland District Council to adopt a public stance on an activity purely based on a request from one resident or group of residents of the district, who may or may not reflect the wider community opinion of district residents.*

(d) *It was considered that the Council taking a public stance on this matter would not add value to the decision-making processes which Environment Southland and other agencies such as Environmental Risk Management Authority (ERMA), may take to the use of 1080 and other toxins within New Zealand. Those agencies were charged with considering the effects of use of such commodities on the environment.*

- (e) *The Southland District Council administers 11% of the land area of New Zealand, much of which was within the Department of Conservation estate and much of which included indigenous vegetation. Council had maintained a positive working relationship with the Department of Conservation, which was important, bearing in mind that approximately 50% of the land in the Southland District was administered by the Department of Conservation.*

The meeting then discussed the use and effects of 1080 to suppress opossums, weasels, rats and other harmful species in the native bush.

Moved Cr Dillon, seconded Cr Duffy

and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL OPTS NOT TO TAKE A PUBLIC POSITION ON THIS MATTER, FOR THE REASONS LISTED ABOVE.

#### 6.4 FORMER OHAI RAILWAY BOARD CARRIAGES

240/20/18/1

R/09/12/20617

Report by Mr Kevin McNaught dated 22 December 2009 asking Council to consider a request from Rail Heritage in respect of what status Council would like the former Ohai Railway Board carriages to be held if an appropriate location was found for them.

Mr McNaught was in attendance for this item.

Moved Cr Dobson, seconded Cr Macpherson

and RESOLVED THAT THE REPORT ON THE FORMER OHAI RAILWAY BOARD CARRIAGES BE RECEIVED.

Council had previously agreed to loan three carriages belonging to the former Ohai Railway Board to Mr Colin Brown of Fairfax. That loan was still progressing. However, Council was recently given a copy of a letter dated 9 November 2009 from Ontrack advising the lease of the property to the Ohai Railway Board Heritage Trust had been terminated and they were asked to vacate the site.

As the Trust was basically defunct, that was unlikely to happen and the fact that Council still had some assets at the site on loan to the Trust was of concern. Council had contacted Ontrack and asked to be involved in any communication or decisions.

Because of the action of Ontrack, Council was now asked to consider the future of the carriages, as their high heritage values meant that they must be stored, managed and protected appropriately. While no management was currently happening, they were at least stored under cover.

Mr McNaught had asked whether Rail Heritage may be able to assist Council in deciding what to do with the carriages. They said they would, but if alternative locations with other Trusts were being considered or discussed, then these Trusts would need to know if they were going to be loaned or transferred the ownership. Clearly this was an issue that Council must consider, however an open position on either of these options may be the best option to take.

**PUBLIC FORUM**

Moved Cr Dillon, seconded Cr Jack  
and RESOLVED THAT STANDING ORDERS BE SUSPENDED TO ALLOW A PUBLIC FORUM TO BE HELD AND THE FOLLOWING MEMBER OF THE PUBLIC TO SPEAK:

**Mr Karl Barkley**

Mr Barkley explained to the meeting that the Southern "F" Locomotive Charitable Trust was loosely involved with the Ohai Railway Board Heritage Trust. They would like Venture Southland to help them wind up the current ORBHT and then allow the assets to be managed by the Southern "F" Locomotive Charitable Trust.

Moved Cr Ford, seconded Cr Duffy  
and RESOLVED THAT STANDING ORDERS BE REINSTATED.

Moved Cr Macpherson, seconded Cr Douglas  
and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL ADVISE THE RAIL HERITAGE TRUST OF NEW ZEALAND, THAT IT WOULD BE PREPARED TO CONSIDER EITHER A LOAN AGREEMENT OR A TRANSFER OF OWNERSHIP FOR THE THREE FORMER OHAI RAILWAY BOARD CARRIAGES AT WAIRIO IF AN APPROPRIATE LOCATION WAS FOUND FOR THEM.

**7.0 MEMORANDA****7.1 MANAGEMENT MEMORANDUM**

140/45/2/1

r/01/1/243

Memorandum by Mr D Adamson, Chief Executive dated 12 January 2010.

Moved Cr Harpur, seconded Cr Ridley  
and RESOLVED THAT THE MEMORANDUM BEING THE JANUARY 2010 MANAGEMENT REPORT BE RECEIVED.

**7.2 TOTAL MOBILITY MONTHLY USAGE SUMMARY**

100/30/2/1

r/09/12/20084

Memorandum by Mr L McKenzie dated 11 December 2009.

Moved Cr Jack, seconded Cr Ford  
and RESOLVED THAT THE MEMORANDUM ON TOTAL MOBILITY USAGE SUMMARY WITHIN SOUTHLAND DISTRICT BE RECEIVED AS INFORMATION.

**7.3 BUILDING CONSENTS AND VALUES FOR DECEMBER 2009**

300/40/1/3

R/10/1/57

Memorandum by Mr K O'Connor dated 6 January 2010.

Building consents and values issued by Council for the month of December 2009.

Moved Cr Harpur, seconded Cr Dobson  
and RESOLVED THAT THE MEMORANDUM RELATING TO BUILDING CONSENTS AND VALUES ISSUED BY COUNCIL FOR THE MONTH OF DECEMBER 2009 BE RECEIVED.

7.4 **RESOURCE CONSENTS AND OTHER RMA ITEMS - DECEMBER 2009**

Memorandum by Ms J Green dated 11 January 2010.

360/15/3/5

r/10/1/191

Resource Consents and other RMA Items - December 2009 - were included in the memoranda for the Council's information.

Moved Cr Ridley, seconded Cr Macpherson  
and RESOLVED THAT THE MEMORANDUM ON THE RESOURCE CONSENTS  
AND OTHER RMA ITEMS PROCESSED BY THE RESOURCE MANAGEMENT  
DEPARTMENT STAFF UNDER DELEGATION FROM THE COUNCIL DURING  
DECEMBER 2009 BE RECEIVED AS INFORMATION.

8.0 **VENTURE SOUTHLAND**

8.1 No reports were received from Venture Southland.

9.0 **EXCLUSION OF PUBLIC**

Moved Cr Dillon, seconded Cr Duffy  
and RESOLVED THAT PURSUANT TO SECTION 48(1) OF THE LOCAL  
GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 THAT THE  
PUBLIC BE EXCLUDED FROM THE MEETING WHILE THE FOLLOWING  
BUSINESS IS TRANSACTED:

SOUTHLAND DISTRICT COUNCIL MEETING CONFIDENTIAL MINUTES DATED  
9 DECEMBER 2009  
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

RESOURCE MANAGEMENT COMMITTEE CONFIDENTIAL MINUTES DATED  
9 OCTOBER 2009  
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

MANAPOURI COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING  
CONFIDENTIAL MINUTES DATED 18 NOVEMBER 2009  
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

SHARED SERVICES FORUM CONFIDENTIAL MINUTES DATED  
29 OCTOBER 2009  
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

DISPOSAL OF PART WINTON TOILET PROPERTY  
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

STEWART ISLAND SLIP REMEDIATION  
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

ISSUE OF LEASE OF PART OF COUNCIL LAND, 48 YORK ROAD, RIVERSDALE  
TO BARBARA ANN MCBAIN  
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

7(2)(a) PROTECT THE PRIVACY OF INDIVIDUALS, INCLUDING THAT OF  
ANY DECEASED PERSON.

- 7(2)(f) MAINTAIN THE EFFECTIVE CONDUCT OF PUBLIC AFFAIRS ARISING DIRECTLY FROM THE NEED TO PROTECT MEMBERS AND STAFF FROM IMPROPER PRESSURE OR HARASSMENT.
- 7(2)(i) ENABLE THE COUNCIL TO CARRY OUT NEGOTIATIONS WITHOUT PREJUDICE OR DISADVANTAGE (INCLUDING COMMERCIAL AND INDUSTRIAL NEGOTIATIONS);
- 7(2)(j) PREVENT THE DISCLOSURE OR USE OF OFFICIAL INFORMATION FOR IMPROPER GAIN OR ADVANTAGE.

9.1 **EXCLUSION OF PUBLIC - STAFF**

Moved Cr Dillon, seconded Cr Duffy  
and RESOLVED THAT THE COUNCIL OFFICERS AND PUBLIC LISTED BELOW  
BE PERMITTED TO REMAIN AT THE MEETING AFTER THE PUBLIC HAVE BEEN  
EXCLUDED BECAUSE OF THEIR KNOWLEDGE OF

- (a) MEETING PROCEDURE AND/OR
- (b) THE SUBJECT MATTER UNDER CONSIDERATION.

CHIEF EXECUTIVE  
GROUP MANAGER SERVICES AND ASSETS  
MANAGER - RESOURCE MANAGEMENT  
SENIOR ADMINISTRATION OFFICER

10.0 **CONFIDENTIAL DECISION/S RECORDED IN OPEN MEETING**

- 10.1 No confidential decisions were recorded in open meeting.

There being no further business, the meeting was declared closed at 2.35 pm.

C O N F I R M E D:

CHAIRPERSON:

DATE: